

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/010,630
Appellants: Yuji TOYOMURA, et al.
Filed: November 7, 2001
Title: CARRYABLE MEMORY MEDIA, PORTABLE INFORMATION TERMINAL USING THE SAME AND METHOD FOR MANAGING FILES THEREIN
TC/A.U.: 2168
Examiner: Debbie M. Le
Confirmation No.: 4831
Notice of Appeal Filed: December 8, 2008
Docket No.: MAT-8198US

REPLY BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer of **June 8, 2009**, Appellants are submitting this Reply Brief for the above-identified application.

Appellants continue to argue that Appellants' claim 1 recites:

a plurality of directories ... each of said directories limited to storing files of a respective one of a plurality of file formats ...

The Examiner argues that the Ando reference discloses directories that are limited to storing files of a respective one of a plurality of file formats. Appellants respectfully disagree. The Examiner supports her position by referring to Fig. 5 of Ando. Fig. 5 shows a video directory and an audio directory. On page 15 of the Examiner's Answer, the Examiner argues that "each subdirectory is named with a unique subdirectory name." The Examiner then argues that video files are recorded under a subdirectory with the name VIDEO TS and all audio files are recorded under a subdirectory with the name AUDIO TS.

The Examiner is correct that Ando discloses audio files in one subdirectory and video files in another subdirectory. The flaw in the Examiner's argument is that the Examiner's argument has not dealt with the word "format" which appears in Appellants' claims. Audio files, for example, have different formats. Exemplary formats include WAV files, MIDI files, WMA (Windows Media Audio) files, MP3 files, etc. Video files can also have different formats. Exemplary video files include Blu-ray, HD-DVD, MPEG3, MPEG4, etc. Appellants' claims are clear that each directory is limited to one format (e.g. MP3, MPEG4, etc.). Appellants' claim 1 does not claim that each directory is limited to one type of file (e.g. audio or video). The Examiner's argument is wrong because the Examiner's argument confuses file types with file formats. Accordingly, withdrawal of the rejection is respectfully requested.

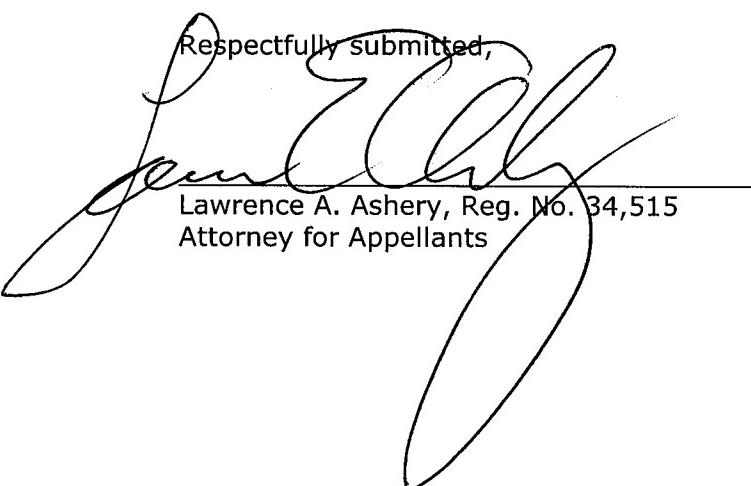
On page 16 of the Examiner's Answer, the Examiner argues that claim 1 is directed to:

... either "functional descriptive material" or "nonfunctional descriptive material."

The Examiner argues that she "fails to see the inventive steps for patent subject matter eligibility." While Appellants do not understand whether the Examiner is making a new rejection, Appellants note that claim 1 is directed to a "memory media for storing data." Memory media is statutory.

Reversal of the Examiner's rejections is respectfully requested.

Respectfully submitted,


Lawrence A. Ashery, Reg. No. 34,515
Attorney for Appellants

LEA/fp/sh

Dated: July 8, 2009

FP_460051